

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

EDWARD ALAN PORTER,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-06-100-F
	)	
MIKE ADDISON, Warden,	)	
	)	
Respondent.	)	

**ORDER**

On January 30, 2006, petitioner, Edward Alan Porter, filed a Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 By a Person in State Custody. The next day, on January 31, 2006, United States Magistrate Judge Robert E. Bacharach, conducted a telephone conference with petitioner in regard to the petition. According to the minutes of that conference, Magistrate Judge Bacharach inquired of petitioner whether he intended to file the petition in the Western District of Oklahoma because the caption of the petition specifically designated the action as one in the Northern District of Oklahoma. Petitioner advised that he intended to file the action in the Western District of Oklahoma. However, petitioner added that he had no objection to the transfer of the action to the Northern District of Oklahoma. During the conference, Magistrate Judge Bacharach also noted that petitioner had not signed the habeas petition. Petitioner stated that he still had a copy of his petition. Magistrate Judge Bacharach then instructed petitioner to sign a copy of the petition and mail it to the Western District of Oklahoma.

After the telephone conference, Magistrate Judge Bacharach issued a Report and Recommendation, wherein he recommended to this court that it exercise its discretion and transfer petitioner's habeas action to the Northern District of

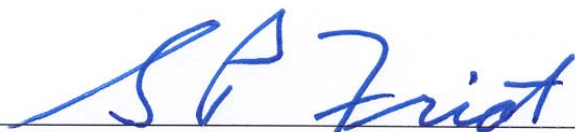
Oklahoma. Magistrate Judge Bacharach specifically advised petitioner of his right to object to the Report and Recommendation by February 21, 2006.

On February 3, 2006, petitioner submitted a signed copy of his habeas petition. He also attached to that petition a letter memorializing the telephone conversation of January 31, 2006. In the letter, petitioner confirmed that he had told Magistrate Judge Bacharach that he “had no objection to . . . transferring the petition to the Northern District.”

In light of petitioner’s oral representation and his subsequent confirmation of that representation in writing, the court sees no reason to await the passing of the February 21, 2006 deadline to see if petitioner files an objection to the Report and Recommendation. With petitioner’s clear representation of no objection to the transfer of his habeas action to the Northern District of Oklahoma, the court accepts, adopts, and affirms Magistrate Judge Bacharach’s Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by Magistrate Judge Bacharach on January 31, 2006 (doc. no. 6) is **ACCEPTED, ADOPTED, and AFFIRMED**. This habeas action is **TRANSFERRED** to the Northern District of Oklahoma.

ENTERED this 6<sup>th</sup> day of February, 2006.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE